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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/944,233	08/30/2001	Walter L. Moden	3161.3US (97-0116.2)	2436		
24247	7590	06/29/2004	EXAMINER			
TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110				LAMB, BRENDA A		
		ART UNIT		PAPER NUMBER		
				1734		
DATE MAILED: 06/29/2004						

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	09/944,233	Applicant(s)	Moden et al
Examiner	LAMB	Group Art Unit	1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

Responsive to communication(s) filed on 3/04/2004 and 12/15/2003

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-51 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) 26-28, 30, 32-46 and 48-51 is/are allowed.

Claim(s) 1, 2, 4, 6, 21, 22, 24-25, 29, 31 and 47 is/are rejected.

Claim(s) 3, 5, 7-20 and 23 is/are objected to.

Claim(s) _____ are subject to restriction or election requirement

Application Papers

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All Some* None of the:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received
in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). 12/15/2003 Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

The terminal disclaimer filed 3/04/2004 is proper and has been entered in the application.

Claims 4, 6, 21, 29, 31 and 47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The originally filed specification fails to teach the at least one mechanism is configured to manipulate a difference in pressure within the adhesive material divided by a radius of curvature of the adhesive material as the adhesive material is extruded through the at least one second mechanism. Note the omission that the radius of curvature of the adhesive material is determined as the adhesive is extruded through the stencil opening presents new matter since it infers that the radius of curvature is determined in other ways that are not disclosed by the originally filed specification.

The originally filed specification fails to teach the at least one first mechanism which reads on a single mechanism configured to level and maintain the exposed surface of the adhesive at substantially constant height which is further comprised or has in addition a vacuum.

The originally filed specification fails to teach the at least one second mechanism configured to level the exposed surface of the viscous material above the opening which is further comprised of or has in addition a vacuum.

If applicant disagrees that the any of the above-cited rejections are proper then applicant needs to point out support in the specification (page and line number) and/or drawings.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the mechanism to level and maintain the surface of the adhesive which is comprised of vacuum or a vacuum on a bottom side of the stencil must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 22 and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Flache.

Flache teaches the design of a coating apparatus comprised of the following elements: a reservoir 11 or nozzle having an upwardly facing opening; a pump and control system attached to the reservoir to control extrusion to a desired selectable height and maintain or attain or come to a level the coating at the desired height which

is at a location above upwardly facing opening. (See column 1, lines 49-51 and column 3 lines 4-26). Flache shows the reservoir is configured to provide an exposed surface of coating to a substrate. Flache apparatus is capable of applying an adhesive material. Thus Flache teaches every element of the apparatus set forth in claim 1 and 24. With respect to claim 22, Flache teaches at least one mechanism, belt 24, configured to bring the substrate in contact with the coating. With respect to claim 25, Flache apparatus is capable of coating a substrate within the scope of the claim. With respect to claim 2, Flache opening 13 is capable of providing a meniscus of material therein.

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claims 3, 5, 7-20 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 26-28, 30 and 32-46 and 48-51 are allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday thru Tuesday and Thursday thru Friday with alternate Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lamb/LR
June 8, 2004

Brenda Lamb
BRENDA A. LAMB
PATENT EXAMINER